

**In the High Court for the States of Punjab and Haryana, at
Chandigarh.**

R.S.A.No.3565 of 2004
Decided on Sept 17,2007.

Harpal Singh -- Petitioners.

vs.

Balwinder Singh and others -- Respondents.

Present: Mr. Sandeep Kumar, Advocate, for the appellant.

Permod Kohli, J:(Oral)

The appellant in this Regular Second Appeal is the plaintiff in the suit. He instituted a suit challenging the sale deed executed by his mother in favour of his two brothers, i.e. respondent Nos. 1 and 2, claiming the property to be ancestral and alleged that the mother had no right to alienate the property. The trial Court framed issue No.1 -whether suit property is a Joint Hindu Family Coparcenary and ancestral property. While deciding this issue, the trial Court returned a finding that the mother of the plaintiff, namely Smt. Surjit Kaur acquired the property by a Will Ex.D-2 and, thus, the property in question is her self acquired property. The trial Court observed that no evidence has been led in rebuttal. On the basis of the aforesaid facts, the trial Court dismissed the suit.

In an appeal preferred therefrom by the plaintiff, the appellate Court concurred with the finding of the trial Court and dismissed the

appeal.

Learned counsel appearing for the appellant has not been able to show any material on record to dispute the factual position as has been concurrently found by both the Courts. No substantial question of law is involved. No merit.

The appeal is dismissed.

Sept 17,2007
RR

(Permod Kohli)
Judge